

## REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendment. Claims 6-23 remain pending in the case. Claims 6-23 are rejected. Claim 6 is amended herein. Applicants believe that the amendments herein to the patent application do not add new matter to it.

### 35 U.S.C. §103 Rejections

Claims 6-9, 11-14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US PAT 6285987), hereinafter referred to as Roth, in view of Gross et al. (US PAT 5283856), hereinafter referred to as Gross. The Examiner is respectfully directed to previously presented independent Claim 6, which recites that an embodiment of the present invention is directed to: (emphasis added)

A rules evaluation system for a user computer, said rules evaluation system comprising:

a rules-based agent *operating on said user computer* and having a plurality of *rules clauses for evaluating data, wherein the rules clauses comprise* one or more required rules clauses and *one or more optional rules clauses*;

at least one targeted advertising trigger having functionality to notify the rules-based agent to begin evaluating;

a plurality of data providers to provide data for evaluation; and

at least one action for providing information based upon the evaluated data, *wherein an action is performed provided all of the required rules clauses and at least one of the optional rules clauses are satisfied*, and wherein at least one of said at least one action comprises displaying a prompt associated with said target advertising triggers, and wherein said prompt leads to a sale.

Claims 7-9, 11-14, and 22 depend from currently amended independent Claim 6 and recite further limitations of the claimed invention. Applicant respectfully asserts that the present invention is neither shown nor suggested by the Roth reference or the Gross reference alone or in combination.

Applicant respectfully submits that Roth and Gross, alone or in combination, fail to teach or suggest rules clauses *for evaluating data* comprising *one or more optional rules clauses*, wherein an action is performed provided *at least one of the optional rules clauses are satisfied*. The Examiner, in the instant Office Action, has acknowledged that Roth does not teach rules clauses comprising required and optional rules clauses or performing an action provided all the required rules clauses and at

least one optional clauses is satisfied. [Rejection, page 5, par. 1-3.] Thus, the Examiner relies on Gross as teaching or suggesting these elements of Claim 6. Examiner has specifically cited the syntax directives %FORM, %FOLDER, and %TIME as teaching optional rules. [Rejection, page 5, par. 5.] Applicants respectfully submit that the cited syntax is that of directives, which Applicant understands to limit the scope of data evaluated, but ***not actually evaluate the data itself***. In contrast, Claim 6 recites optional ***rules clauses*** for ***evaluating data***. Thus, it is respectfully submitted that Roth and Gross, alone or in combination, do not teach or suggest rules clauses ***for evaluating data*** comprising ***one or more optional rules clauses***, as claimed.

Furthermore, Roth and Gross, alone or in combination, fail to teach or suggest that an action is performed provided all required rules clauses and at least one optional rules clause are satisfied. Examiner has cited col. 6, lines 44-47 and col. 8, lines 35-41 of Gross as teaching this element. However, Applicant respectfully submits that these cited portions only state generally that actions are performed in response to satisfied conditions. Gross does not distinguish between required and optional rules clauses. Specifically, gross does not teach or suggest that an action is performed ***only*** if ***all required rules clauses*** are satisfied and ***at least one optional clause*** is satisfied. Therefore, Applicant respectfully submits that Roth and Gross, alone or in combination also fail to teach this element of amended Claim 6.

Secondly, Applicant respectfully submits that Roth and Gross, alone or in combination, fail to teach or suggest a rules-based agent ***operating on a user computer***, as claimed. For instance, Roth is directed to auctioning off web advertising space through a centralized advertising web server system 16 via bidding agents 30. Examiner has equated the bidding agents 30 of Roth to the rules-based agent of Claim 6. Referring to FIG. 1 of Roth, it is clear that the bidding agents 30 reside somewhere between server 16 and the bid input system 18. Specifically, the bidding agents 30 are ***not operating on client browser 11***.

Moreover, Applicant respectfully submits that Roth cannot be combined with any other references to teach or suggest a rules-based agent operating on a user computer because such a combination would render Roth inoperable for its intended purpose (i.e., evaluating real-time bids submitted by different advertisers in order to determine which particular advertisement will be displayed to a viewer). Applicants respectfully submit that Roth ***requires*** that the bidding agents 30 must operate at a

layer between the ad server 16 and the bid input system 18 in order to facilitate the exchange of information in the database 16B and bids from the bid input system 18. Clearly then, Roth and Gross cannot be combined to teach or suggest a rules-based agent *operating on a user computer*, as claimed.

Since Roth and Gross, alone or in combination, fail to teach or suggest at least one element of independent Claim 6, Applicant respectfully submits that Claim 6 overcomes the rejection under 35 U.S.C. §103 and is thus in condition for allowance. Furthermore, Applicant respectfully submits that Claims 7-9, 11-14, and 22 that depend from independent Claim 6 are also in condition for allowance as being dependent on an allowable base claim.

Claims 10, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, Gross, and Binder (US PAT 6513052). For at least the reasons stated above, Applicant respectfully submits that independent Claim 6 is allowable over Roth and Gross. Additionally, Applicant respectfully submits that Binder fails to overcome the shortcomings of Roth and Gross. Therefore, Applicant respectfully submits that Claims 10, 17-19 are also in condition for allowance as being dependent on an allowable base claim.

Claims 15, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, Gross, and Klayh (US PAT APP 2003/0103644). For at least the reasons stated above, Applicant respectfully submits that independent Claim 6 is allowable over Roth and Gross. Additionally, Applicant respectfully submits that Klayh fails to overcome the shortcomings of Roth and Gross. Therefore, Applicant respectfully submits that Claims 15, 20, 21, and 23 are also in condition for allowance as being dependent on an allowable base claim.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, Gross, and Dentel et al. (US PAT 7062451). For at least the reasons stated above, Applicant respectfully submits that independent Claim 6 is allowable over Roth and Gross. Additionally, Applicant respectfully submits that Dentel fails to overcome the shortcomings of Roth and Gross. Therefore, Applicant respectfully submits that Claim 16 is also in condition for allowance as being dependent on an allowable base claim.

### Conclusion

In view of the foregoing remarks, the Applicant respectfully submits that the pending claims in the instant patent application are in condition for allowance. The Applicant respectfully requests reconsideration of the Application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact David Boyd at 970-898-4475.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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James P. Hao

Address:

Registration No. 36,398

Two North Market Street

Third Floor

San Jose, California 95113

Telephone:

(408) 938-9060 Voice

(408) 938-9069 Facsimile